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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,165	07/12/2004	Rolf Theo Anton Apetz	NL020017	5379
24737	7590	12/15/2005		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SANEI, HANA ASMAT	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/501,165	<b>Applicant(s)</b> ANTON APETZ ET AL.	
	<b>Examiner</b> Hana A. Sanei	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on 10/13/05, has been entered and acknowledged by the Examiner.

Claims 1-7 are pending in the instant application

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torikai et al (US 6375533 B1) in view of Niimi (US 6635993 B1).

With respect to Claim 1, Torikai teaches a high-pressure discharge lamp (see at least Figures 1 and 3) provided with a discharge vessel (70) with a ceramic wall (11, Col. 6, lines 11-14) which is closed at one end by a plug (50) provided with an electrode (upholding part of electrode, 40) arranged in discharge vessel, a fusion joint (diffusion accelerator, 50) comprising an alloy comprising substantially molybdenum and aluminum (Col. 5, lines 9-20 & Col. 7, lines 9-21). Torikai lacks the fusion joint being jointed between the ceramic wall and the plug. In the same field of endeavor, Niimi

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teaches the ceramic wall (see at least Figure 16, #38) and the plug (second cylindrical sealing member, 39) being jointed by a fusion joint (first sealing member, 37) in order to ensure high strength, improved air-tightness and resistance to corrosion (Col. 2, lines 5-12). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the location of the fusion joint, as disclosed by Niimi, in the high-pressure discharge lamp of Torikai, in order to ensure high strength, improved air-tightness and resistance to corrosion.

With respect to Claim 6, Torikai teaches a metal halide lamp (Col. 4, lines 34-40).

With respect to Claim 7, Torikai teaches that the lamp has a power rating of at least 100 W (Col. 4, lines 34-40).

2. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torikai et al (US 6375533 B1) in view of Niimi (US 6635993 B1) in further view of Chen (US 20020141294 B1).

With respect to Claims 2-3, Torikai-Niimi teaches the invention set forth above (see rejection in Claim 1 above). Torikai-Niimi is silent regarding the specific structural formula of the fusion joint composition. In the same field of endeavor, Chen teaches a fusion joint comprising AlMo (undercoat, Page 2, Par [0041]) in order to provide a better control of heating applied to device. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the composition of the fusion joint, as disclosed by Chen, in the high-pressure discharge lamp of Torikai-Niimi in order to provide a better control of heating applied to device.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torikai et al (US 6375533 B1) in view of Niimi (US 6635993 B1) in further view of Wei et al (US 6020685).

With respect to Claim 4, Torikai-Niimi teaches the invention set forth above (see rejection in Claim 1 above). Torikai-Niimi is silent regarding a plug comprising a material formed by molybdenum or tungsten. In the same field of endeavor, Wei teaches a plug comprising a material formed by molybdenum or tungsten (Col. 2, lines 29-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose from one of the materials disclosed by Wei, since Wei teaches the suitability of using a plug formed of molybdenum or tungsten and it has been held to be within the general skill of an artisan to select a known material on the basis of the intended use. See MPEP 2144.07.

With respect to Claim 5, Torikai-Niimi teaches the invention set forth above (see rejection in Claim 1 above). Torikai-Niimi is silent regarding a ceramic wall comprised of aluminum nitride. In the same field of endeavor, Wei teaches a ceramic wall comprised of aluminum nitride (Col. 12, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose from one of the materials disclosed by Wei, since Wei teaches the suitability of using a ceramic wall comprised of aluminum nitride and it has been held to be within the general skill of an artisan to select a known material on the basis of the intended use. See MPEP 2144.07.

***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Izumiya et al (US 4731561) teaches a high-pressure discharge lamp with a ceramic envelope and end caps.

***Response to Amendment***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


***Contact Information***

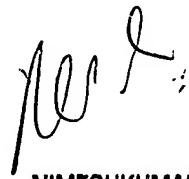
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hana A. Sanei whose telephone number is (571) 272-8654. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Hana A. Sanei

 12/8/05

  
NIMESHKUMAR D. PATEL  
SUPERVISORY PATENT EXAMINER  
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